

**SB 1608 (Corbett, Harman, Steinberg, Runner, R. Calderon, Smyth, Wolk)**  
**2008 ADA Package**

- Requires an attorney who either sends a “Demand for Money” letter to a business, or files a lawsuit against a business, alleging a physical access violation to send a notice to the defendant informing the defendant of his or her legal rights as well as his or her obligations to comply with both state and federal disability access laws.
- Requires a CASp, when he or she determines that a business meets applicable construction-related accessibility standards, to issue the business a report indicating that the business meets these standards. The CASp must also give the business a numbered, watermarked “Disability Access Certificate” which the business may display in its window to indicate its status.
- Allows a defendant who is sued for violating physical access laws relating to building construction to request an immediate stay of the accessibility claim and an early evaluation conference when the defendant has either (1) obtained a CASp inspection report indicating that it meets applicable construction-related accessibility standards or (2) had its business inspected by a CASp and is in the process of addressing any identified corrections.
- Requires a court, upon application by a “qualified” defendant, to issue an order (1) granting a stay of the accessibility claim, and (2) schedules a mandatory early evaluation conference within 35 days of the application at which both parties must appear in person. The stay would apply only to the accessibility claim and would not apply to other causes of actions or claims if the case involved multiple claims. Also, the stay provisions would not apply if the plaintiff has obtained temporary injunctive relief in the accessibility claim.
- At least 15 days before the conference, the defendant must share a copy of the CASp inspection report with the plaintiff, and the plaintiff must provide the defendant with the specific issues that are the basis for the claimed violations, the amount of damages claimed and attorney’s fees and costs incurred.
- If the defendant fails to provide a copy of the CASp inspection report to the plaintiff prior to or at the early evaluation conference, the court would lift the stay at the conclusion of the conference unless the defendant can show good cause for the failure. The court is also authorized to lift the stay at the conclusion of the conference upon the plaintiff’s showing of good cause. Otherwise, the stay would continue until 90 days after its issuance or is lifted earlier by the court.
- Provides that the purpose of the early evaluation conference includes evaluation of (1) whether the defendant is entitled to the temporary stay or has corrected or is willing to correct the alleged violations, and the timeline for doing so, or (2) whether the case can be settled.
- Requires the Judicial Council to prepare and post on its website relevant forms and instructions to help the parties
- Requires architects to have completed coursework in disability access requirements in order to renew their license

- Imposes continuing education requirements on local building officials in disability access requirements
- Permits a local agency or a person adversely affected to appeal a decision of a local agency regarding a disability access requirement to the Building Standards Commission and provides that the Commission may accept the appeal only if the issues involved have statewide significance
  - Provides that the provisions relating to the “Demand for Money” letter, stay and early evaluation conference and Building Standards Commission are operative only if the California Commission on Disability Access is funded and operational
- Creates the California Commission on Disability Access, an independent state entity with responsibility for:
  - Monitoring disability access compliance in California
    - Acting as an information center on disability access requirements
    - Making recommendations to the Legislature on needed changes in disability access laws
    - Developing—with the Building Standards Commission—a master checklist for building inspectors to use for disability access compliance
    - Studying and issuing reports on disability access issues such as whether the Certified Access Specialist (CAsp) program—which certifies and licenses inspectors who have significant knowledge of disability access laws—is meeting the needs of the disability and business communities.
- Specifies the make-up of the 19-member California Commission on Disability Access as follows:
  - Two Senators and two Assembly Members
  - Two public members appointed by the Senate Committee on Rules; one from the disability community and one from the business community
  - Two public members appointed by the Speaker of the Assembly; one from the disability community and one from the business community
  - Nine public members appointed by the Governor, subject to confirmation by the Senate; five from the disability community and four from the business community
  - The Attorney General
  - The State Architect

REGISTERED SUPPORT AS OF 04.23.08: California Chamber of Commerce and Consumer Attorneys of California